HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION No. 2523 of 2006

Between:

A.P.State Road Transport Corporation,

Represented by its Regional Manager,

Ongole Region, Ongole and another

.. Petitioners

AND

The District Consumer Forum,

Prakasam District at Ongole and another

..Respondents.

Counsel for the Petitioner: Shri P.Manmadha Reddy

Counsel for Respondent No.1: Government Pleader for

Civil Supplies.

Counsel for Respondent No.2: None

Dated: April 10, 2006

ORDER:

Per P.Lakshmana Reddy, J.

The petitioners have filed this writ petition challenging order dated January 6, 2006 passed by District Consumer Forum, Prakasam at Ongole in Consumer Dispute No. 192 of 2005.

The 2nd respondent herein filed a complaint before the District Consumer Forum, Ongole for a direction to the Andhra Pradesh State Road Transport Corporation (for short 'the APSRTC'), Ongole to resume the Hi-tech bus service from Ongole to Bangalore with reservation facility at Ongole and Bangalore.

The Depot Manager, APSRTC, Ongole contested the application contending that Hi-tech buses from other stations were passing through Ongole towards Bangalore and, therefore, they have discontinued the said Hi-tech service, since the passengers have not preferred Hi-tech service and only 10 to 20 passengers are travelling in the Hi-tech bus. They further contended that the APSRTC is forced to introduce Garuda and Volvo bus service to cater the needs of the passengers and the District Consumer Forum has no jurisdiction to entertain the complaint, as there is no deficiency in service.

After hearing both the sides, the District Consumer Forum passed the order directing the APSRTC to restore and continue the Hi-tech buses from Ongole to Bangalore and vice versa, within 15 days from the date of receipt of a copy of the order.

Aggrieved by the said order of the District Consumer Forum, the APSRTC and the Depot Manager, APSRTC, Ongole filed this writ petition contending that the order passed by the District Consumer Forum is illegal and without any authority of law. The Forum usurped the jurisdiction which is not conferred by the Act 68 of 1986 to adjudicate matters of this nature. It is for the Corporation to provide necessary service to the people and no individual has a right or claim in demanding a particular type of service and, as a matter of fact, the Ongole town is served with Hi-tech buses originating from various places going to Bangalore and to restore the Hi-tech service, it requires inter-State permit and obtaining of a new Hi-tech bus, men and material, necessitating heavy expenditure.

Heard learned counsel for the petitioners.

There is no representation on behalf of the 2nd respondent.

It is not in dispute that Hi-tech buses from other stations are passing through Ongole towards Bangalore. May be, the earlier Hi-tech bus service being plied

from Ongole to Bangalore was discontinued, but, that by itself is not a ground to say that the Corporation has to continue the service. Moreover, it is not the case of the 2nd respondent that there is no other bus service provided by the Corporation from Ongole to Bangalore. Even as per the complainant, Garuda bus service has been introduced from Ongole to Bangalore besides other buses, which pass through Ongole, Vijayawada, Guntur and other places. Therefore, there is no deficiency in service by the Corporation.

We are of the considered view that the District Consumer Forum has no jurisdiction to entertain a dispute of this nature as there is no deficiency in service. The reasons given by the District Consumer Forum to assume jurisdiction and to direct the A.P.S.R.T.C to resume the Hi-tech bus service from Ongole to Bangalore are not tenable. The decision of A.P.State Consumer Disputes Redressal Commission and the decision of National Redressal Commission referred to in the impugned order are not at all relevant to the facts of this case. There is no need for the A.P.S.R.T.C. to give reasons for introducing Garuda and Volvo service in the place of Hi-tech bus service. As long as there is no deficiency in service, the forum has no jurisdiction to interfere with the administrative decisions of A.P.S.R.T.C. Hence, the impugned order passed by the District Consumer Forum is liable to be set aside.

In the result, the writ petition is allowed. The order of the District Consumer Forum, Ongole dated January 6, 2006 is set aside.

P.LAKSHMANA REDDY, J

G.S.SINGHVI, C.J.

GRR